Update: Nelson Hardiman Defends Pre-ICO Medical Marijuana Collectives Against City of Los Angeles

September 16, 2010

The first hearing in the *City of Los Angeles vs. 420 Grand* lawsuit — against the pre-ICO dispensing collectives that were deemed "ineligible" — took place today in Department 309 of the Los Angeles Superior Court, Central Civil West Courthouse, before Judge Anthony J. Mohr. The City had made an ex parte for the Court to set an expedited briefing for motions for preliminary injunction on four select test cases, as well a stay of all discovery until the hearing on the test cases, and a request to use a third party electronic document manage service. Nelson Hardiman filed an opposition to the City's ex parte requests, which is available here. At the hearing, the City modified its ex parte application for the third time, finally narrowing its request to seek only to stay (*i.e.* prevent consideration of) any defendants' pleadings, discovery, and motions until Judge Mohr sets a scheduling order and to set a status conference after Judge Mohr ruled on its (as yet unfiled) preliminary injunction motion(s).

Judge Mohr denied the City's requests, indicating an intention not to rush the proceedings and rejecting the City's timetable. He acknowledged an issue as to whether the City had improperly joined the defendants in the case. Without opening the door to severing the cases, he assured all defendants that, even though the cases are likely to remain related (to each other), each defendant will have an opportunity to be heard and to presents its unique fact pattern. Judge Mohr directed the City and defendants to work out an agreement on electronic service of documents, but did not set any deadlines for future hearings. He extended the time for defendants to file responsive pleadings (*e.g.* answers or demurrers to the complaint) from the standard 30 days after service to within 45 days of today' s hearing (October 31, 2010). This deadline does not apply to any defendant who has not been served.

September 9, 2010

Nelson Hardiman files petitions for writ of mandate against the City of Los Angeles pursuant to California Code of Civil Procedure Section 1085. The petitions allege that the City Clerk acted arbitrarily and capriciously in making its "eligibility" determinations.

August 30, 2010

Nelson Hardiman offers an analysis of the City's lawsuit to members of the Greater Los Angeles Cooperative Alliance (GLACA). The presentation addressed the underlying issues, as well as the likely progress of the litigation.

August 27, 2010

Nelson Hardiman submits letters to the City Clerk requesting the correction of numerous apparent errors in the City's "eligibility" determinations.

August 26, 2010

Following the City Clerk's issuance of its "eligibility" determinations on August 25, 2010, the City of Los Angeles filed a lawsuit in Los Angeles Superior Court today against 193 defendants associated with 145 original entities eligible for registration under the Los Angeles Municipal Code. A copy of the City's complaint is available here

(broken into segments): 1, 2, 3, 4.

August 25, 2010

The Los Angeles City Clerk issued a list identifying those entities that were deemed to have met the “eligibility” requirements of Los Angeles Municipal Code Section 45.19.6 *et seq.* (the Los Angeles Medical Marijuana Ordinance). The list identified only 41 entities as “eligible” for inclusion on the Priority List for pre-registration under the Ordinance. A letter from the City Clerk accompanying the list advised that entities are “not precluded from continuing their interim operation” as long as they comply with “California State Law.”